

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL OSGOOD,

Plaintiff,

-against-

**NOTICE OF MOTION
TO DISMISS THE
AMENDED COMPLAINT**

CITY OF NEW YORK, BILL DEBLASIO, Individually,
JAMES O'NEILL, Individually, TERENCE
MONAHAN, Individually, DERMOT SHEA,
Individually, ANN PRUNTY, Individually, JOHN
DONAHUE, Individually, JAMES ESSIG, Individually,
and RAYMOND SPINELLA, Individually,

No. 21 CV 9460 (JPC)(OTW)

Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, and all the papers and proceedings herein, Defendants will move this Court, before the Honorable John P. Cronan, United States District Judge, Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York, 10007, on a date and time to be designated by the Court, for an order and judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiff's claims of First Amendment retaliation to the extent they are time-barred under 42 U.S.C. §§ 1983 and 1988, and for failure to state a cause of action; and granting Defendants such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), papers filed in opposition to a motion must be served within fourteen days after service of the moving papers, and reply papers, if any, must be served within seven days of service of the opposition papers.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 12 of the Federal Rules of Civil Procedure, in the event that this motion is denied, in whole or in part, Defendant reserves its right to answer and respectfully request thirty (30) days from docketing of the order denying the motion in which to answer the Complaint.

Date: New York, New York
September 30, 2022

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-186
New York, New York 10007
(212) 356-2444
dosaint@law.nyc.gov

By: *s/ Dominique Saint-Fort*
Dominique F. Saint-Fort
Assistant Corporation Counsel

TO: Brett H. Klein, Esq. PLLC
Attorneys for Plaintiff
305 Broadway, Suite 600
New York, New York 10007
(212) 335-0132

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TERENCE MONAHAN, Individually, DERMOT
SHEA, Individually, ANN PRUNTY,
Individually, JOHN DONAHUE, Individually,
JAMES ESSIG, Individually, and RAYMOND
SPINELLA, Individually,

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HON. SYLVIA O. HINDS-RADIX

Corporation Counsel of the City of New York

Attorney for Defendants

100 Church Street, Room 2-186

New York, New York 10007-2601

Of Counsel: Dominique F. Saint-Fort

Tel: (212) 356-2444

Matter No.: 2021-039786

Due and timely service is hereby admitted.

New York, N.Y., 2022

Attorney for